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There is no branch of the law of evidence where mere uncritical quotation is more dangerous than in the subject of the *res gesta*, and the author seems to have fallen into this error here.

The book is printed on India paper, and is much more convenient to handle than any law book of its length that we have seen. It is in general free from misprints and small errors. One misstatement, however, is made, (Vol. I, p. 11) in crediting the well-known quotation on hearsay from the *Berkeley Peerage Case* to Lord Mansfield instead of to Chief Justice (Sir James) Mansfield, who wrote the opinion in the case.

The book is particularly full in its citation of California authorities, a fact which should make it useful to the bar of that State.

In regard to the book's style, the author in his preface says: "Here will be found no flights of forensic diction." In general this is true; still, (Vol. I, p. 13) we find the following: "Given then this original state of things, the apparent transition from the crude and aboriginal views of what might be offered before the tribunal, to the present elaborately indexed guide to what is and what is not evidence is in reality the evolution which growth and interchange of ideas of commerce, and of education, has fortunately and relentlessly demanded." Again referring to Prof. Thayer, who is rightly given by the author a very high place among the writers on evidence, it is said (p. 660): "Thayer, who seems of all the writers on evidence to have not only acquired a giant grasp of his subject, but to have combined it with a Byronic facility of diction, and clarity of expression." In a few passages like the foregoing, the wings of the author's diction seem to have gotten a little beyond control.

As a whole, the book is somewhat inferior to either Wigmore or Chamberlayne as a treatise on evidence. Nevertheless, it has merits of its own, the chief one being the industry which has brought together so much excellent material bearing on the subject.

Ralph W. Gifford.

CHAPTERS ON THE LAW RELATING TO THE COLONIES. By SIR CHARLES JAMES TARRING, KNT., sometime Judge of H. B. M. Supreme Consular Court, Constantinople, and H. M.'s Consul, late Chief Justice of Grenada, West Indies. Fourth Edition. London: STEVENS & HAYNES. 1913. pp. xxii, 398.

Our early origin as British colonies and plantations would be sufficient excuse for an interest in a work on the law relating to the British colonies, and this interest has certainly been heightened by our own experience in colonization during the past sixteen years.

The principal divisions of the present work are as follows:

- 1: The laws to which the different classes of colonies are subject;
- 2: The executive;
- 3: The legislative power;
- 4: The judiciary and the Bar;
- 5: Appeals from the colonies;
- 6: Imperial statutes in force relating to the colonies.

Save for the first part, that is, the laws to which the colonies are subject the book would only be of interest either to Britishers or as

a book of reference to historical students in this country. The first part, however, must be of interest to all students of legal problems dealing with the insular possessions of the United States. The English decisions as to the laws which shall be applied to the different colonies would of course have a remote bearing on us but as analogies they might be in certain cases very useful.

The author sub-divides the first part with reference to colonies formed by the settlement of unoccupied or barbarous countries and to those formed by conquest or cession from other nations. In a general way, in the case of colonies formed by settlement of unoccupied or barbarous country, the law of England will be applied as it was at the time of first occupation, though in many cases, by special acts of Parliament, it was decreed that the laws of England as of a specific date should be applied. Most of the acts of this nature, however, have a saving clause which will admit of many exceptions, as for example,—that the law of England will apply *when suitable to the circumstances and population of the particular colony in question*, and, as was pointed out in the famous English case of *Whicker v. Hume*, (1858) 7 H. L. *124, *161.

"It is a very difficult thing to decide what laws are adapted to the situation in the colony."

It is not surprising, therefore, that the list of statutes which have been held not to apply to certain colonies is quite formidable.

As to conquered or ceded colonies the general rule is that the laws of the countries shall remain in force until altered by the conquering nation.

In this first part of the work a number of exceedingly interesting cases are discussed in detail. Many of these cases, as on the question of the territorial rather than the personal application of laws, the status of a person domiciled in the different colonies, the validity of marriages when not conforming to the *lex loci*, would be of practical use in the case of a similar question arising in our insular possessions.

In discussing the generally recognized principle of English law that British subjects cannot take possession in their own right of a foreign country and that no British subject can attain the position of independent ruler, the famous case of Sir James Brooke and the sway exercised by him over the territory of Sarawak, in Borneo, is examined in some detail. In spite of the legal principles to the contrary, Sir James Brooke, acting under a grant from the Sultan of Borneo, which gave him the right of government over Sarawak, with the power to nominate his successor, was eventually recognized by the British government. In 1864 a British Consul was appointed by Sarawak and obtained his *exequatur* through the instrumentality of Sir James Brooke, the then ruler over that territory.

The remaining chapters of the work, of the executive, legislative power, judiciary and bar, as well as the appeals from the colonies, are very complete and supported by voluminous citations.

The work also contains a topical index of cases on appeal decided in the Privy Council, which is most comprehensive though of little value to American students. On the whole this work would be a useful addition to any important law library.

Paul Fuller, Jr.